

ORIGINAL

OPEN MEETING AGENDA ITEM



0000135598

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

2012 APR -2 P 3:03

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

APR - 2 2012

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF INTELEPEER, INC. FOR APPROVAL
OF CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE RESOLD
LONG DISTANCE, RESOLD LOCAL
EXCHANGE, FACILITIES-BASED LONG
DISTANCE AND FACILITIES-BASED
LOCAL EXCHANGE TELECOMMUNICATION
SERVICES.

DOCKET NO. T-20695A-09-0387

PROCEDURAL ORDER

BY THE COMMISSION:

On August 7, 2009, IntelPeer, Inc. ("IntelPeer" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of a Certificate of Convenience and Necessity ("CC&N") to provide resold long distance, resold local exchange, facilities-based local exchange, and facilities-based long distance telecommunication services in Arizona. IntelPeer's application also requests a determination that its proposed services are competitive within the State of Arizona.

On September 4, 2009, the Commission's Utilities Division ("Staff") issued its First Set of Data Requests to IntelPeer.

On October 2, 2009, IntelPeer filed responses to Staff's First Set of Data Requests, provided corrections to its application, and requested authority to also provide switched access telecommunication services in Arizona.

On December 7, 2009, Staff issued its Second Set of Data Requests to the Company.

On January 6, 2010, IntelPeer filed responses to Staff's Second Set of Data Requests.

No other filings were docketed in 2010.

On January 31, 2011, Staff filed a Staff Report recommending approval of IntelPeer's application, subject to certain conditions.

1 On March 14, 2011, by Procedural Order, a hearing was set to commence on May 12, 2011.

2 On April 22, 2011, IntelPeer filed an affidavit of publication stating notice of the hearing
3 had been published in the *Arizona Republic*, a newspaper of general circulation, on March 30, 2011.

4 On the same date, IntelPeer filed a request for its witness to appear telephonically for the
5 hearing.

6 On April 28, 2011, by Procedural Order, IntelPeer's request for its witness to appear
7 telephonically for the hearing was granted.

8 On May 3, 2011, Michael T. Hallam of Lewis and Roca, LLP, filed a Notice of Appearance
9 as local counsel for IntelPeer.

10 On May 12, 2011, the hearing was held as scheduled. IntelPeer and Staff appeared through
11 counsel and presented evidence and testimony. No members of the public were present to present
12 public comments. At the conclusion of the hearing, the Company was directed to file as a late-filed
13 exhibit an updated list of states in which IntelPeer is authorized to provide service.

14 On May 20, 2011, IntelPeer docketed a late-filed exhibit.

15 On September 26, 2011, a Recommended Opinion and Order was docketed.

16 On November 4, 2011, IntelPeer filed a letter notifying the Commission of its intent to
17 undertake one or more *pro forma* intra-corporate transactions, which the Company stated would not
18 affect the ultimate ownership, or day-to-day operations of IntelPeer.

19 No other filings have been made in this docket. Accordingly, it is appropriate for IntelPeer
20 to update the Commission on the above captioned matter. Further, if IntelPeer fails to provide an
21 update within 20 days of this Procedural Order, this docket shall be administratively closed.

22 IT IS THEREFORE ORDERED that **IntelPeer shall file, by April 23, 2012, in this docket**
23 **an update on the above captioned matter.**

24 IT IS FURTHER ORDERED that if **IntelPeer fails to file an update by April 23, 2012,**
25 **this docket shall be administratively closed.**

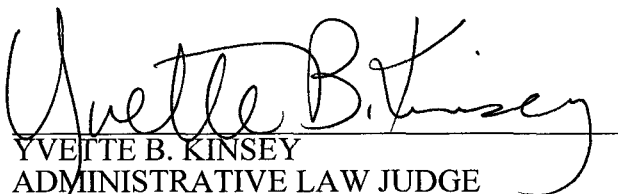
26 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
27 31 and 38 and A.R.S. § 40-243 with respect to practice of law in Arizona and before the Commission
28 and admission *pro hac vice*.

1 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
 2 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
 3 Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings
 4 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
 5 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
 6 Law Judge or the Commission.

7 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
 8 Communications) applies to this proceeding and shall remain in effect until the Commission's
 9 Decision in this matter is final and non-appealable.

10 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
 11 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

12 Dated this 2nd day of April, 2012.

13
 14 
 15 YVETTE B. KINSEY
 16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered
 18 this 2nd day of April, 2012 to:

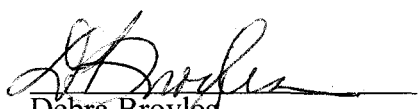
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